

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PETER PIRTLE,

Plaintiff

v.

NURSE ROSA, *et al.*,

Defendants

Case No. 3:21-cv-00324-MMD-CLB

ORDER

I. DISCUSSION

On July 27, 2021, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983 and later filed an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 4). Plaintiff’s complaint is incomplete.

Upon review, the Court notes that Plaintiff did not sign the complaint. (ECF No. 1-1 at 13). Under Rule 11 of the Federal Rules of Civil Procedure, a plaintiff who is not represented by counsel is required to sign his complaint. Fed. R. Civ. P. 11(a). Because Plaintiff did not sign the complaint, the Court cannot consider it.

As such, the Court grants Plaintiff a **one-time extension** to submit a signed amended complaint to the Court on or before **September 10, 2021**. If Plaintiff chooses to file an amended complaint, he is advised that an amended complaint supersedes (replaces) the original complaint and, thus, the amended complaint must be complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989). Therefore, a mere signature page will not be sufficient. Plaintiff should file the amended complaint on this Court’s approved prisoner civil rights form, and it must be entitled “First Amended Complaint.”

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send to

1 Plaintiff the approved form for filing a § 1983 complaint, instructions for the same, and a
2 copy of his original complaint. (ECF No. 1-1). If Plaintiff files an amended complaint, he
3 should use the Court's approved form and he must write the words "First Amended" above
4 the words "Civil Rights Complaint" in the caption.

5 IT IS FURTHER ORDERD that, if Plaintiff chooses to file a signed amended
6 complaint, Plaintiff will file the signed amended complaint to this Court on or before
7 **September 10, 2021**.

8 IT IS FURTHER ORDERED that, if Plaintiff does not file a signed amended
9 complaint on or before **September 10, 2021**, this case will be subject to dismissal without
10 prejudice for Plaintiff to refile the case with the Court, under a new case number, when
11 Plaintiff is able to file a signed amended complaint.

12 DATED: August 24, 2021

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14 UNITED STATES MAGISTRATE JUDGE
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